

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

)	
IN RE MORGAN KEEGAN OPEN-END)	No. 07-2784
MUTUAL FUND LITIGATION)	

ORDER TO SUPPLEMENT THE RMK OPEN-END FUNDS GROUP'S MOTION FOR
APPOINTMENT OF LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD
AND LIASION COUNSEL

On December 12, 2008, the RMK Open-End Funds Group ("RMK Group") moved for appointment as lead plaintiffs and approval of their selection of lead and liaison counsel. The RMK Group is composed of the Estate of Kathryn S. Cashdollar ("Cashdollar Estate"), Dajalis Ltd., Jeanette H. Landers, H. Austin Landers, and Frank D. Tutor.

The Cashdollar Estate is alleged to have suffered approximately \$403,000 in class-period losses, the most of any member of the RMK Group. (Def. Mem. 6.) The Cashdollar Estate has not satisfied the certification requirement of the PSLRA. Only a plaintiff who has satisfied the certification requirement can serve as lead plaintiff. 15 U.S.C. § 77z-1(a)(2); Burke v. Ruttenberg, 102 F. Supp. 2d 1280, 1319 (N.D. Ala. 2000). The certification must be "personally signed by [the] plaintiff." 15 U.S.C. §§ 77z-1(a)(4)(2)(A) and 78u-4(a)(4)(2)(A). The Cashdollar certificate was signed

by Tommy L. Fullen, attorney for the Cashdollar Estate's Executrix and was not accompanied by a power of attorney. The executrix, not her attorney, is the personal signatory for the estate and was required to sign the certificate to satisfy the PSLRA certification requirement.

To prevent disqualification of the Cashdollar Estate from serving as a member of the lead plaintiff group, the RMK Group is ordered to supplement its motion for lead plaintiff with a certification signed by the Cashdollar Estate Executrix within 11 days from the date of this order.

So ordered this 18th day of May, 2009.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE